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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,700	04/26/2005	W Novis Smith	1410P	8739
<div>7590 12/28/2007</div> <div>Zachary T. Wobensmith, III 7746 101st Court Vero Beach, FL 32967-2871</div>				
<div>EXAMINER</div> <div>WEINER, LAURA S</div>				
<div>ART UNIT PAPER NUMBER</div> <div>1795</div>				
<div>MAIL DATE DELIVERY MODE</div> <div>12/28/2007 PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/532,700

Applicant(s)

SMITH ET AL.

Examiner

Laura S. Weiner

Art Unit

1795

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Holman et al. (7,087,348).

Holman et al. teaches in column 19, lines 19-51, an electrolyte material may be a solid polymer electrolyte such as PEO or other solid, gel or liquid electrolyte known in the art. A solid polymer electrolyte may serve as a binder. A nonlimiting example of a binder and liquid electrolyte is PVDF and EC:DMC with a lithium salt. In some embodiments the electrolyte includes organic materials such as PEO, PAN, PVDF, etc. The lithium salt can be LiPF₆, LiBF₄, etc. and the electrolyte can also include inorganic materials such as LiF, LiCl, Li₂O-B₂O₃-Bi₂O₃. Also, the electrolyte can comprise a sol or gel of the oxides of Ti, Zr, Pb, Bi, Mo, W, Si, Ge, Al, B or P. Holman et al. teaches in column 30, claim 1, an electrochemical device comprising a first electrode, a second electrode, and an electrolyte. Holman et al. teaches in column 33, claims 36-37, that the cathode comprises LiCoO₂, LiNiO₂, etc. and the anode comprises carbon, Li, etc.

3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakahara et al. (7,226,697).

Nakahara et al. teaches in column 9, lines 1-30, a solid electrolyte which includes polyvinylidene fluoride and hexafluoropropylene, etc. in which these polymer materials may be used as a gel containing an electrolyte solution or only polymer materials are used. Examples of an inorganic solid electrolyte include CaF_2 , LiF_2 , etc. The electrolyte may be an electrolyte solution comprising an electrolyte salt and a solvent. The electrolyte salt can be LiPF_6 , LiBF_4 , etc.

Claim Rejections - 35 USC § 112

4. Claims 9-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9-10 are rejected because they do not further limit claims 1, 2, 3 or 4 from which the claims depend from. The claims are directed to a separator. A separator does not comprise a battery, a capacitor, etc. but instead a battery or capacitor comprise a separator.

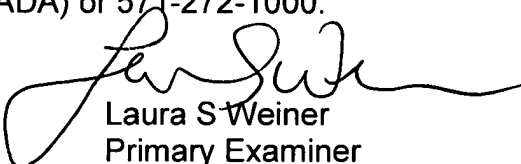
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura S. Weiner whose telephone number is 571-272-1294. The examiner can normally be reached on M-F (6:30-4:00).

Application/Control Number:
10/532,700
Art Unit: 1795

Page 4

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Laura S. Weiner
Primary Examiner
Art Unit 1795

December 24, 2007